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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,259	10/12/2001	Tsutomu Kurokawa	M1953-41	9702

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DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,259

Applicant(s)

KUROKAWA ET AL.

Examiner

Igor Borissov

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 14-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,973,481) in view of Budike, Jr. (US 6,311,105).

Thompson et al. teach a method and system for distributed electrical power generating stations, comprising:

As per claims 1-3, 6, 8-9, 14-15 and 18-19,

at least one generator unit, operated by an electricity provider, supplying electricity to at least one specific electricity consumer in a remote area (Abstract; column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

a management center, monitoring an operation status of said at least one generator unit and monitoring an amount of electricity supplied to said at least one specific electricity consumer by said at least one generator unit (Abstract; column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

a system for communicating information between said management center and said electricity provider (Abstract; column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29);

said management center uses wireless communication equipment to collect information from said at least one generator unit regarding operation status of said at least one generator unit and regarding an amount of electricity supplied to said at least one specific electricity consumer (Abstract; column 1, line 25 – column 2, line 22; column 2, line 27 – column 3, line 29).

Thompson et al. do not specifically teach that said electricity provider uses the Internet for billing and payment of said electricity supply service fee for said at least one specific electricity consumer.

Budike, Jr. teach a multi-utility energy control system and method, including back-up generators, wherein a controlled wireless network is provided, including the Internet, for purchasing electricity in a real time environment (column 7, lines 24-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson et al. to include that said electricity provider uses the wireless network, including the Internet, for billing and payment of said electricity supply, because in said remote areas the wireless communication is the most convenient and reliable way to communicate over different geographical areas.

As per claims 4, 7, 10-11 and 16, Thompson et al. teach said method and system, further comprising:

a maintenance personnel maintaining and managing operation of said at least one generator unit, wherein said maintenance personnel receives instructions from said management center (column 3, lines 21-25).

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Claims 5, 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. and Budike, Jr. in view of Fleckner et al. (US 6,589,682).

As per claims 5, 12-13 and 17, Thompson et al. and Budike, Jr. teach all the limitations of claims 5, 12-13 and 17, including that said at least one generator unit is powered by alternative fuels (Budike, Jr., column 7, lines 38-40), except that said at least one generator unit is fuel cell generator, and said service company includes a fuel supply company, and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator.

Fleckner et al. teach a method and system for fuel cells arrangement, including a monitoring instrumentation 22 (Fig. 1) mounted adjacent to fuel cells for providing information to monitoring system 24 which conveys the data related to the functional status of the fuel cells, fuel level, etc., over a wireless communication network, including the Internet, to the interested party (column 5, lines 10-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson et al. and Budike, Jr. to include that said maintenance/management company performing maintenance on said fuel cell electricity generating device and responding to irregularities in said fuel cell electricity generating device, because, in order to maintain a fuel cell generator, disposed in a remote area, in a proper working order, one must maintain functional status of the fuel cells including a fuel level.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

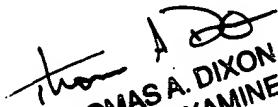
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.


THOMAS A. DIXON
PRIMARY EXAMINER